

**RULES AND REGULATIONS
FOR THE
GOVERNMENT
OF THE
POLICE DEPARTMENT
OF THE
TOWN OF AMHERST**

AUTHORITY

Rules and Regulations for the government of the Police Department of the Town of Amherst are adopted in pursuance of the authority contained in the Town Manager Act Chapter 11, Acts of 1951 as amended by Chapter 812, Acts of 1972.

The effective date of these Rules and Regulations shall be May 1st, 1975 and they shall remain in full force and effect until amended or rescinded.

Donald Maia
Chief of Police
Town of Amherst

Approved by the Town Manager

Allen L. Torrey

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This Manual was prepared with technical assistance from the Massachusetts Police Institute. The Massachusetts Police Institute and the production of this Manual are primarily funded through a grant from the Massachusetts Committee on Criminal Justice. The following staff members have assisted in the preparation of this Manual:

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APPOINTMENTS

Before entering on the discharge of their duties, persons appointed to the Amherst Police Department shall take and subscribe to the following oath before the Town Clerk:

“I,
do solemnly swear that I will bear true faith and allegiance to
the United States of America and the Commonwealth of
Massachusetts and will support the Constitutions and laws
thereof.
So help me God.”

Members of the Amherst Police Department shall also subscribe their names to the following:

I hereby acknowledge receipt of a copy of the Rules
and Regulations for the government
of the Police Department of the Town of Amherst.

(Signature)

(Date)

POLICE MANUAL
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INTRODUCTION

The primary functions of a police department are to protect life, liberty and property; to enforce laws and ordinances; to preserve the peace and public order; to prevent crime; to detect, apprehend and prosecute lawbreakers.

Section I of this Manual is entitled “Rules and Regulations” and will define minimal expectations of all members and employees of the Police Department.

Section II contains job descriptions and is called “Duties by Rank and Assignment”.

“Policies and Procedures” will be the subject matter of Section III. This is an attempt at spelling out what the policy of the Department is in a variety of situations which may arise during an officer’s tour of duty. Also, some suggested procedures for implementing that policy will be listed.

Department members and employees are required to read and be familiar with the contents of this Manual.

The purpose of this Manual is not to provide the Chief or appointing authority with a tool for punishing officers. Rather it is an attempt at improving the effectiveness of the Police Department by making clear to all officers and employees what is expected of them and offering constructive suggestions on how best to perform the police function.

It is expected that from time to time this Manual will need revision. Times change, attitudes change, and policies change. The suggestions of all officers and employees are welcomed as to how to update and improve this Manual.

This Manual was printed in loose-leaf form so that changes could be made more easily. New pages will be printed and inserted whenever changes are made.

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice of ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

Source: International Association of Chiefs of Police

SECTION I
RULES AND REGULATIONS

SECTION I RULES AND REGULATIONS

A. DEFINITIONS

<u>Department</u>	The Amherst Police Department.
<u>Town</u>	Amherst, Massachusetts
<u>Chief</u>	The Chief is the immediate head of the Police Department and is responsible for the efficiency of operations and for discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the Department.
<u>Town Manager</u>	The Town Manager is the official appointed under Chapter 11 of the Acts of 1951 (Town Manager Act to administer Town Government) and is the official responsible for the appointment of the Chief of Police, police officers and all other employees. The Town Manager is the chief administrative officer and is further responsible for coordinating and supervising all town departments.
<u>Supervisor</u>	Any rank above Patrol Officer.
<u>Commanding Officer</u>	Any supervisor above the first level of supervision, or other officer designated by the Chief of Police.
<u>Shift Commander</u>	Commanding Officer on a shift.
<u>Senior Officer</u>	A member in any given rank with longest service in that rank.
<u>Ranking Officer</u>	An officer of superior rank.

<u>Order of Rank</u>	Chief, Deputy Chief, Captain, Lieutenant, Sergeant, Patrol Officer, Special Officer, Community Service Officer.
<u>Member</u>	Duly appointed regular police officer, special, or Community Service Officer.
<u>Employee</u>	Civilian employee of the Department.
<u>Manual</u>	Manual of Rules and Regulations of the Department.
<u>Orders</u>	Commands or instructions, oral or written given by one member to a member of lesser rank.
<u>Police Incident</u>	An occurrence or incident suggesting or requiring police action or service by members.

B. PROFESSIONAL CONDUCT AND RESPONSIBILITIES¹

Police officers are professionals, and as such are expected to maintain exceptionally high standards in the performance of their duties.

Effective police operations require loyalty to the Department and one's associates, maintaining a genuine spirit of cooperation and rendering appropriate assistance to a fellow peace officer exposed to danger or in a situation where danger may be impending.

General responsibilities include taking appropriate action to:

- a. protect life and property;
- b. preserve the peace;
- c. prevent crime;
- d. detect and arrest violators of the law;
- e. enforce all laws and ordinances coming within departmental jurisdiction;
- f. supervise public functions (such as parades or dances) where public order requires police presence.

1. Professional Conduct

- a. Jurisdiction - Members of the Amherst Police Department have authority to enforce all state laws and municipal by-laws only within the boundaries of the Town of Amherst.

In reservations and buildings owned or controlled by the United States for whatever purpose, the authority of the United States is supreme.

In all property owned and under the control of the Trustees of the University of Massachusetts, the University of Massachusetts Department of Public Safety has police authority.

The responsibility of policing the places described in the two preceding paragraphs is in other hands, but no Amherst

¹ 26.1.1

Police Officer who witnesses the commission of a crime in a Federal building or reservation or on property of the University of Massachusetts, or is engaged in the pursuit of a criminal who runs thereto, or is called upon for assistance by a guards, police officer or a citizen in such a place would be justified if he failed to do his duty as a police officer in the same manner as if he were in an unrestricted part of Amherst. Property owned by Amherst and Hampshire College shall be treated a privately owned property in the Town of Amherst.

- b. Conflict of Interest - Since the position of a police officer is a public trust, it is important to avoid all situations involving conflicts of interest. M.G.L. c. 268.

Special areas of concern include the following:

- i. Membership in Organizations - If any conflict shall arise between a members allegiance to the police department and any non-police organization, his responsibility to the police department shall be binding.
- ii. Outside Employment - Prior to accepting any outside employment, a member or employee must notify the Chief. No member of the force shall accept other employment which could impair his independence of judgment in the exercise of official duties.² All payments for paid details, where an officer provides police services, must be channeled through the chief to the Treasurer's Office. No officer shall accept compensation directly from such private employers.
- iii. Political Activities - Active participation in political activities while in uniform or on duty is prohibited. An officer shall not use his official position to influence the electoral process. Members shall notify the Chief of any active off-duty participation in political activity.
- iv. Gifts and Gratuities - Members and employees shall not under any circumstances solicit or accept any gift,

² 22.3.3

gratuity, free admission passes, loan or fee where there is any direct or indirect connection between the solicitation and their departmental membership or employment, except as may be specifically authorized by the Chief. Members and employees must pay for all meals and beverages.

- v. Unauthorized Transactions - Members and employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner or other person involved in any case which has come to their attention or which arose out of their departmental employment except as may be specifically authorized by the Chief of Police.

Remember that in case of doubt, the Town Counsel will prepare a legal opinion at your request through the Chief of Police. See Chapter 268A of M.G.L.

2. Orders

- a. Routine Orders - All lawful orders, written or oral, shall be carried out fully and in the manner prescribed by a superior officer. An order from the Dispatcher shall be considered an order from a superior officer. An order relayed from a superior by an employee, sworn or un-sworn, of the same or lesser rank is considered a lawful order. Failure or deliberate refusal to obey a lawful order given by a superior officer shall be insubordination.³
- b. Unlawful Orders - No member shall knowingly issue an order in violation of any law or any departmental regulation. Unlawful orders shall not be obeyed. The subordinate shall notify the ordering officer of the illegality of his order. Responsibility for refusal to obey rests with the subordinate. He shall be strictly required to justify his action.
- c. Unjust or Improper Orders - Lawful orders which appear to be unjust or improper shall be carried out. After carrying out the orders, the subordinate may file a written report to the Chief via the chain of command indicating the circumstances and the reasons for questioning the orders, along with his request for clarification of departmental policy.
- d. Conflicting Orders - Should any order conflict with any previous order, the member shall promptly and respectfully call to the attention of the second officer who gave the conflicting order the fact of the conflict. If the second officer does not change his order to avoid the conflict, his order shall stand and so much of the previous order as conflicts shall not be followed.
- e. Criticism of Orders - Members and employees shall not publicly criticize instructions or orders they have received, and shall restrain their criticism within the Department within the chain of command.

³ 12.1.3

C. GENERAL CONDUCT ON DUTY

In addition to the specific duties of each individual rank and assignment, as set forth elsewhere in this Manual, the following general duty provisions are applicable to all members of the Department.

1. Required Conduct

- a. Reporting When Called - Report for duty whenever so ordered by proper police authorities. If unable to do so for some valid reason it is incumbent upon the member to inform his superior of his inability to report for duty and justify his failure to report for duty to the Chief.
- b. Reporting for Duty - Report for duty at the regularly appointed time and not withdraw or resign or absent himself from duty without leave. Be present at all roll call properly uniformed and equipped and ready for inspection.
- c. Awareness of Activities - Acquaint himself before beginning his tour of duty with all important matters affecting his duties that have occurred since his last tour. Upon returning to duty from any absence inform himself about all new orders, regulations, and memoranda governing his assignment.
- d. Filing Reports - Promptly and accurately complete all reports and forms required by this Manual. Before leaving the station house at the end of his tour, complete all reports and forms which pertain to events occurring during the concluded tour. With the permission of the Officer-in-Charge, a Summary Report, giving key information, may suffice until a more detailed report can be completed.
- e. Giving Identification - Give name, rank and badge number to any person who may inquire unless on special assignment or where the physical safety of a member of the force is threatened.
- f. Testifying at Official Investigations
 1. Only when ordered by the Chief of Police or subpoena, appear before any judicial, departmental or official Town Manager - conducted investigations, hearing,

trail or proceedings, and truthfully testify to or state the facts as he knows them.

2. Upon receipt of a request to testify, or upon receipt of a subpoena to testify, before or at any investigation, hearing, trial or proceeding as mentioned above, immediately notify the Chief of such request or subpoena.
- g. Report Rule Violations - Upon observing or otherwise becoming aware of a violation by another member of the force of the Department's Rules, Procedures, or Policies as set out in this Manual, report such violations to one's superior officer.
- h. Communication - Transmit communications to a higher command when required.

2. Prohibited Conduct

The following acts by a member of the force are prohibited:

- a. Criminal Conduct - Commission of any felony or misdemeanor.
- b. Discourtesy - Discourtesy, rudeness, or insolence.
- c. Intoxication - Intoxication in reporting for duty or while on duty, through the use of liquor or the unlawful use of narcotics or other harmful drugs.
- d. Drinking on Duty - The consumption of alcohol while on duty, unless authorized by proper police authorities.
- e. Change of Address - Changing one's place of residence or phone number without notifying the Commanding Officer. All members and employees must maintain a home phone and make the number known to the Chief.
- f. Improper Associations - Voluntarily establishing relationships with persons engaged in unlawful activity, except in the discharge of official duty and without prior consent of the member's Commanding Officer or the Chief of Police.
- g. Undue Influences - Seeking the influence or intervention of any person outside the Department for purposes of personal preferment, advantage, transfer or advancement.
- h. Recommending Private Services - Except in the transacting of personal affairs, recommending or suggesting in any manner the employment or purchase of any particular professional or commercial service or product, such as lawyers, bondsmen, undertakers, towing service, burglar alarm companies, etc.
- i. Rewards - Accepting rewards of any kind for services rendered in the line of duty except lawful salary and that which may be authorized by law.
- j. Personal Business - Conducting personal business while on duty.
- k. Department Letterhead - Use of departmental letterheads for private correspondence or sending correspondence out of the Department over one's signature without permission of the Chief of Police.

- l. Mailing Address - Use of the Department as a mailing address for private purposes, especially for the purpose of a motor vehicle license or registration.
- m. Possessing Keys to Private Buildings - Having keys to private buildings or dwellings on a member's area of patrol without the permission of the Chief.
- n. Civil Suits for Personal Injuries - Any claims for damage to clothing or other personal property belonging to a member or employee caused by the performance of duty shall be made in accordance with current departmental directives. Members and employees shall not seek in any way, nor accept from any persons, money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing. Members or employees who have received municipal salaries for injuries sustained off duty, or illness, shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury. The notice shall be filed before the action is taken. It shall include the facts of the claims and the name of the respondent. Keep the Chief informed of the status of the case and the final court determination. An exception to the above request of notice shall be in the case of indemnification insurance policies privately purchased by members and employees.
- o. Press Relations - Releasing to the press media information concerning departmental policy or evidentiary aspects of any criminal investigation. Consult the Chief or departmental directive when in doubt.
- p. Divulging Information - Releasing or providing access to information concerning internal police security, cases under investigation, police personnel folders, and other information of a confidential nature except with the specific permission of the Chief of Police.
- q. Sleeping - Sleeping while on duty.
- r. Smoking - Conspicuous smoking while on duty.

D. UNIFORMS AND APPEARANCE⁴

Members shall be neat appearing and well groomed while in uniform. All articles of clothing shall conform to the departmental uniform regulations. Civilian clothing shall not be worn with any distinguishable part of the uniform.

1. Hair Styles - Hair and mustaches shall be evenly trimmed at all times while on duty. Mustaches shall not extend below the lip line. In no event shall hair extend below the mid-line of the ear or over the uniform blouse coat collar. Beards and goatees are not permitted. Sideburns shall not extend below the earlobes, nor be more than one inch wide at the base. Hairstyles of female officers and employees shall be neat and shall not extend to the shoulders. This section, with the Chief's authorization, shall not apply to any officer on special assignment(s).
2. Wearing the Uniform - Uniforms shall be kept neat, clean, and well pressed at all times. Care should be paid not to wear threadbare items or faded items. While wearing the uniform, avoid mannerisms such as slouching, shuffling, and keeping hands in pockets. The uniform cap shall be worn out of doors, unless otherwise directed by competent authority. The Chief shall periodically publish regulations concerning the uniform of the day, or for seasonal wear, which regulations must be strictly adhered to. Dark socks (black, blue) are required while in uniform. Other socks may be worn, if not visible, or if required for medical reasons.
3. Civilian Clothing - Male members and employees permitted to wear civilian clothing during a tour of duty, shall wear either a business suit or sports coat and slacks. A dress-style shirt with tie shall be worn. Commanding Officers may prescribe other types of clothing when necessary to meet particular police objectives. Female members and employees permitted to wear civilian clothing shall wear appropriate and professional business attire, unless directed otherwise. A dress-style shirt and tie shall be worn for all court appearances.
4. Jewelry & Tattoos- Unless otherwise authorized by the Chief of Police, the following policy will be adhered to regarding tattoos,

⁴ 26.1.1

body piercing and the wearing of jewelry. While on duty in uniform, Officers are prohibited from wearing any jewelry that is visible other than a wrist watch and/or rings on the fingers. This shall include, but not be limited to, earrings of any kind, facial jewelry and necklaces. Female Officers, while on duty in civilian business attire may wear earrings and necklaces that are not obscene or offensive, and do not interfere with their actions and responsibilities nor distract from their professional appearance. No officer on duty may appear in uniform or civilian business attire with any visible tattoo or decal on the hands, head, face, neck, fingers and wrists. Visible tattoos or decals cannot be obscene or offensive, or interfere with the Officers actions and responsibilities nor distract from their professional appearance. The tattoo portion of this policy will not apply to officers who had tattoos prior to the effective date of this policy, December 15, 2005, but will apply to all tattoos received thereafter. This policy will also apply to any un-sworn or sworn ancillary uniformed members of the Departments, such as Parking Enforcement Officers, Constables, Traffic Duty Officers and Animal Control Officers.

E. DEPARTMENTAL PROPERTY AND EQUIPMENT

Equipment issued to members of the Department shall remain the property of the Department. Members and employees shall maintain departmental property and equipment assigned to them in good condition. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.

1. Damaged-Inoperative Property and Equipment - Members and employees shall immediately report to their Commanding Officer on designated forms any loss or damage to departmental property or equipment assigned to them. The immediate superior shall be notified of any defects or hazardous conditions existing in any departmental property or equipment.
2. Care of Departmental Buildings - Members and employees shall not mar, mark or deface any surface in any departmental building. No material shall be affixed in any way to any wall in departmental buildings without specific authorization from a Commanding Officer.
3. Surrender of Departmental Property - Members and employees are required to surrender all departmental property in their possession upon separation from the service, or when otherwise ordered.
4. Departmental Vehicles - A valid Massachusetts driver's license is required of all members. Members shall not use departmental vehicles without permission of the Commanding Officer. Departmental vehicles shall never be used for personal business or pleasure.
5. Transporting Citizens - Citizens shall be transported in departmental vehicles only when necessary to accomplish a police purpose. Such transportation shall be done in conformance with departmental policy or at the direction of a Commanding Officer, immediate supervisor or the communications center.
6. Authorized Equipment - While on duty, a member shall carry only such equipment as is issued by the Department or authorized by the Chief of Police.
7. Reporting Accidents - Accidents involving departmental property, personnel and/or equipment must be reported in

accordance with procedures established by the Chief of Police.

8. Presumption of Responsibility - In the event that departmental property is found bearing evidence of damage which has not been reported, it will be presumed that the last person using the property or vehicle was responsible until he comes forward and proves that he was not responsible.
9. Upkeep of Operations Manual - All members and employees who are issued this Manual are responsible for its maintenance and knowledge of its contents and they are required to make appropriate changes or inserts as issued by the Chief.

F. DISCIPLINARY ACTIONS

Any member or employee violating his oath and trust by committing an offense punishable under the law or statutes of the United States, the Commonwealth of Massachusetts, or local by-laws or who violates any provisions of the Rules and Regulations Manual or procedures of this police department, or who disobeys any lawful order or who is deemed incompetent to perform his duties is subject to appropriate disciplinary or other official action as deemed necessary.

1. Letters of Reprimand - The Chief of Police may issue letters of reprimand for minor infractions of departmental rules and regulations. All letters of reprimand will become a part of the personal file of the individuals involved.
2. Suspension - The Chief of Police may suspend a subordinate officer without pay for any infraction of departmental rules or regulations. The Officer-in-Charge of any shift may suspend any subordinate officer for the balance of the shift if the Officer-in-Charge determines that the subordinate is not properly able to carry out his duties. In all cases of suspension, the Chief of Police will be notified. Any member suspended has the right to a hearing before the Town Manager relative to his suspension.
3. Dismissal - The Town Manager has the authority to remove any member at any time for just cause provided the member is given a due hearing, if requested, and is given a five-day notice in writing setting forth the cause of such removal.

Conflicts between the above provisions and a valid contract, in effect from time to time, between the Town of Amherst and the Amherst Police League, shall be resolved in favor of said contract.